

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID T. MORROW,

Defendant.

Case No. 07-cr-40006-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the motion of defendant David T. Morrow's counsel, Assistant Federal Public Defender Judith A. Kuenneke, to withdraw her representation of the defendant for the purposes of pursuing a sentence reduction under 18 U.S.C. § 3582(c)(2) based on Amendments 750 and 782 to the United States Sentencing Guidelines and under 18 U.S.C. § 3582(c)(1)(B) based on the First Step Act (Doc. 559). The Government has responded that it has no objection to counsel's withdrawal (Doc. 561), and Morrow has not responded, although he was given an opportunity to do so.

Morrow filed a *pro se* motion pursuant to 18 U.S.C. § 3582(c)(2) for a sentence reduction based on Amendment 750 (Doc. 515). Pursuant to Administrative Order 167, the Court invited the Federal Public Defender's Office to enter an appearance voluntarily for the purpose of pursuing such a reduction (Doc. 516), but before counsel entered an appearance, the defendant withdrew his *pro se* motion (Docs. 537 & 538). Morrow then filed a similar *pro se* reduction motion citing Amendments 750 and 782 (Doc. 549), and the Court again invited counsel to appear pursuant to Administrative Order 167 (Doc. 551).

Morrow also filed a *pro se* motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(1)(B) in light of the First Step Act (Doc. 556). Pursuant to Administrative Order 234,

the Court invited the Federal Public Defender's Office to enter an appearance voluntarily for the purpose of pursuing such a reduction (Doc. 557), and Kuenneke entered her appearance (Doc. 558).

Kuenneke now moves to withdraw from representing Morrow for the purpose of pursuing all potential sentence reductions set forth above. Although counsel believes the defendant may be eligible for a reduction under 18 U.S.C. § 3582(c)(2) and 18 U.S.C. § 1382(c)(1)(B), she moves to withdraw as counsel because the defendant has indicated he does not want her to represent him. Therefore, counsel asks to be relieved of the responsibility to represent the defendant as contemplated by Administrative Orders 167 and 234 and asks for the Court to proceed with the defendant's *pro se* motions (Docs. 549 & 556).

There being no objection to counsel's motion to withdraw and no reason not to allow the defendant to appear *pro se* for the pending matters, the Court **GRANTS** counsel's motion to withdraw (Doc. 559) and **DIRECTS** the Clerk of Court to terminate her as counsel in this case. The Court further **ORDERS**, in the spirit of Administrative Order 234, that the Government shall have 21 days to respond to the defendant's *pro se* motions for a reduction (Doc. 549 & 556), and the defendant shall have 14 days from service of the Government's response to file a reply brief. The Clerk of Court is directed to send a copy of this order to the defendant at the address on file.

IT IS SO ORDERED.

DATED: April 23, 2019

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE